

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VENETTE HALE,

Plaintiff,

v.

UNITED STATES OF AMERICA
et al.,

Defendants.

Case No. 22-10300

Honorable Shalina D. Kumar

Magistrate Judge Jonathan J.C. Grey

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 44)
AND GRANTING IN PART AND DENYING IN PART DEFENDANT
NALC-AFL-CIO BRANCH NO. 3126'S MOTION TO DISMISS (ECF NO.
17)**

Venetta Hale brings this complaint *pro se* against the United States of America, NALC-AFL-CIO Branch No. 3126 (Branch), and Glynis Gilder.

ECF No. 1. Hale alleges wrongful termination, defamation, and unlawful withholding of back pay against the United States; two breaches of the duty of fair representation (“DFR”) against the Branch; and arbitrator misconduct against Gilder. *Id.* This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 8.

On May 11, 2022, the Branch filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 17. Hale timely

responded to the motion on May 31, 2022. ECF No. 27. The Branch replied on June 3, 2022. ECF No. 28.

On September 27, 2022, the magistrate judge issued a Report and Recommendation (R&R). ECF No. 44. The R&R recommends that the Court **GRANT** the Branch's motion to dismiss the first of Hale's DFR claims (regarding the Branch's representation during arbitration) and **DENY** the motion to dismiss her second DFR claim (regarding the Branch's assistance in collecting Hale's back pay award).

No party has filed an objection to the R&R. The failure to object to conclusions in the magistrate judge's report releases the Court from its duty to independently review those issues. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court has reviewed the record and **ADOPTS** the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that the motion to dismiss by the Branch (ECF No. 17) is **GRANTED** in part and **DENIED** in part.

Dated: October 13, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge